

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDACASE NO. 00-6241-CR-ZLOCH
93-6013-CR-RYSKAMP

UNITED STATES OF AMERICA,

v.

DAVID EDWIN APPLEGATE,

Defendant.

GOVERNMENT'S MOTION TO CONSOLIDATE
INDICTMENTS FOR PLEA AND SENTENCING

COMES NOW the United States of America, by and through its undersigned attorney, and requests that the Indictment in United States v. David E. Applegate, Case No. 00-6241-CR-ZLOCH, be consolidated with the Indictment in United States v. David E. Applegate, Case No. 93-6013-CR-RYSKAMP, for a plea of guilty and sentencing pursuant to Rules 8 and 13 of the Federal Rules of Criminal Procedure and Rule 3.9(c) of the Local Rules of the United States District Court for the Southern District of Florida. In support of this Motion, the Government states the following:

1. In United States v. David E. Applegate, Case No. 00-6241-CR-ZLOCH, the indictment charges that on August 15, 2000, the defendant knowingly bought, received, and delivered, counterfeit obligations of the United States, that is, one hundred eighty-seven thousand dollars (\$187,000) in one hundred-dollar denominations of Federal Reserve Notes, Series of 1996, with the intent that the same be passed, published and used as true and genuine, in

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violation of Title 18, United States Code, Section 473.

2. In United States v. David E. Applegate, Case No. 93-6013-CR-RYSKAMP, the defendant is charged with violation of probation, that is, by failing to refrain from violation of the law; to wit: being arrested for possession of forged Federal Reserve Notes, in violation of Title 18, United States Code, Section 473.

3. Both of the new indictment and the violation of probation are inextricably intertwined since each requires similar evidence that the defendant possessed forged Federal Reserve Notes, in violation of Title 18, United States Code, Section 473.

4. The defendant agreed to have the violation of probation in Case No. 93-6013-CR-RYSKAMP, heard or disposed of when the new criminal matter in Case No. 00-6241-CR-ZLOCH, is presented to the Court. The undersigned has conferred with counsel for the Defendant, Mr. John F. Cotrone, Esq., who also joins in the Government's Motion to Consolidate these cases.

5. All discovery for the offense of possession of counterfeit obligations of the United States, in one hundred-dollar denominations of Federal Reserve Notes, has previously been provided to the defense in United States v. David E. Applegate, 00-6241-CR-ZLOCH.

6. Under Local Rule 3.9(c), whenever an action or proceeding is filed in the court which involves subject matter which is a material part of the subject matter of another action or proceeding

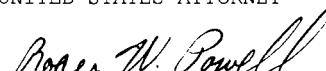
pending before the Court, or which would involve duplication of judicial effort if heard by a different judge, the judges involved must determine whether the cases should be consolidated.

7. On September 6th, 2000, Chief Judge William J. Zloch was advised of the above-referenced facts, and if this Honorable Court concurs, agreed to accept the consolidation for plea and sentencing purposes.

WHEREFORE, the United States respectfully requests that the Indictment in United States v. David E. Applegate, 00-6241-CR-ZLOCH, be consolidated with the Indictment in United States v. David E. Applegate, Case No. 93-6013-CR-RYSKAMP, for plea and sentencing.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

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cc: Special Agent Angela Conde
U.S. Secret Service

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered by United States mail this 18th day of September 2000 to:

Mr. John F. Cotrone, Esq.
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